

118TH CONGRESS
1ST SESSION

S. 1721

To amend title 10, United States Code, to modify the authority of the Secretary of each military department to replace damaged or destroyed facilities to include replacement of certain facilities in failing condition, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

Mr. OSSOFF (for himself and Mr. LANKFORD) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to modify the authority of the Secretary of each military department to replace damaged or destroyed facilities to include replacement of certain facilities in failing condition, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Facilities Up-
5 grades Act”.

1 **SEC. 2. MODIFICATION OF AUTHORITY TO REPLACE DAM-**
2 **AGED OR DESTROYED FACILITIES TO IN-**
3 **CLUDE CERTAIN FACILITIES IN FAILING CON-**
4 **DITION.**

5 (a) IN GENERAL.—Section 2854 of title 10, United
6 States Code, is amended—

7 (1) by striking subsection (a) and inserting the
8 following new subsection (a):

9 “(a)(1) Subject to subsection (b), the Secretary con-
10 cerned may replace a facility under the jurisdiction of the
11 Secretary concerned, including a family housing facility—

12 “(A) that has been damaged or destroyed; or

13 “(B) that is a facility described in paragraph

14 (2) in failing condition, if—

15 “(i) replacement is more cost-effective than
16 repair;

17 “(ii) the replacement facility supports an
18 existing mission of the Department of Defense;
19 and

20 “(iii) the replacement facility does not ex-
21 ceed the total square footage of the replaced fa-
22 cility.

23 “(2) A facility described in this paragraph is any of
24 the following facilities of the Department of Defense or
25 an armed force:

1 “(A) Any barracks, housing, or dormitory facil-
2 ity.

3 “(B) A child development center.

4 “(C) Any other quality of life facility, including
5 a fitness center, recreation facility, dining facility, or
6 commissary facility.”;

7 (2) in subsection (b), by striking “repair, res-
8 toration, or”;

9 (3) in subsection (c)—

10 (A) in paragraph (1), in the matter pre-
11 ceding subparagraph (A), by striking “sub-
12 section (a)” and inserting “subsection
13 (a)(1)(A)”; and

14 (B) in paragraph (2)—

15 (i) by striking “this subsection” and
16 inserting “paragraph (1)”; and

17 (ii) by striking “described in para-
18 graph (1)” and inserting “described in
19 paragraph (1)(B)”;

20 (4) by redesignating paragraph (3) as para-
21 graph (4);

22 (5) by inserting after paragraph (2) the fol-
23 lowing new paragraph (3):

24 “(3) In using the authority described in subsection
25 (a)(1)(B) to carry out a military construction project to

1 replace a facility, including a family housing facility, that
 2 is in failing condition, the Secretary concerned may use
 3 appropriations available for operation and maintenance.”;
 4 and

5 (6) in paragraph (4), as redesignated by para-
 6 graph (4) of this subsection, by inserting “per
 7 armed force” before “in any fiscal year”.

8 (b) CONFORMING AND CLERICAL AMENDMENTS.—

9 (1) HEADING AMENDMENT.—The heading for
 10 section 2854 of such title is amended to read as fol-
 11 lows:

12 **“§ 2854. Replacement of damaged, destroyed, or fail-**
 13 **ing facilities”.**

14 (2) CLERICAL AMENDMENT.—The table of sec-
 15 tions at the beginning of subchapter III of chapter
 16 169 of such title is amended by striking the item re-
 17 lating to section 2854 and inserting the following
 18 new item:

“2854. Replacement of damaged, destroyed, or failing facilities.”.

